Human Rights

THE COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fact Sheet No. 12

World Campaign for Human Rights

The *Human Rights Fact Sheet* series is published by the Centre for Human Rights, United Nations Office at Geneva. It deals with selected questions of human rights that are under active consideration or are of particular interest.

Human Rights Fact Sheets are intended to assist an ever-wider audience in better understanding basic human rights, what the United Nations is doing to promote and protect them and the international machinery available to help realize those rights. *Human Rights Fact Sheets* are free of charge and distributed world-wide. Their reproduction in languages other than the official United Nations languages is encouraged provided that no changes are made in the contents and the Centre for Human Rights in Geneva is advised by the reproducing organization and given credit as being the source of the material.

Racial discrimination: the United Nations takes action

"The purposes of the United Nations are . . . to achieve international co-operation . . . in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language and religion . . ."

— Charter of the United Nations (extract from the Preamble)

"All human beings are born free and equal in dignity and rights . . ."

— Universal Declaration of Human Rights (article 1)

In one international declaration, covenant and convention after another since the United Nations was founded, States have accepted that all members of the human family have equal and inalienable rights, and have made commitments to assure and defend these rights.

Racial discrimination, nevertheless, remains a stumbling block to the full realization of human rights. In spite of progress in some areas, distinctions, exclusions, restrictions and preferences based on race, colour, descent, national or ethnic origin, continue to create and embitter conflict, and cause untold suffering and loss of life.

The fundamental injustice of racial discrimination, no less than the dangers it represents, has made its elimination a target of action by the United Nations.

Mounting international concern over racial discrimination led the United Nations General Assembly, in 1963, to take the formal step of adopting the Declaration on the Elimination of All Forms of Racial Discrimination which makes four principal points:

Any doctrine of racial differentiation or superiority is scientifically false, morally condemnable, socially unjust and dangerous and has no justification in theory or practice;

Racial discrimination—and more so, government policies based on racial superiority or hatred—violate fundamental human rights, endanger friendly relations among peoples, co-operation among nations, and international peace and security;

READEX FICHE

Racial discrimination harms not only those who are its objects but also those who practise it;

A world society free of racial segregation and discrimination, factors which create hatred and division, is a fundamental aim of the United Nations.

In 1965, the General Assembly provided the world community with a legal instrument by adopting the International Convention on the Elimination of All Forms of Racial Discrimination. The Convention specifies the measures that States agree to undertake—once they have become parties by ratifying or acceding to it—to eliminate racial discrimination.

Under the Convention, States parties are pledged:

To engage in no act or practice of racial discrimination against individuals, groups of persons or institutions, and to ensure that public authorities and institutions do likewise;

Not to sponsor, defend or support racial discrimination by persons or organizations;

To review government, national and local policies and to amend or repeal laws and regulations which create or perpetuate racial discrimination;

To prohibit and put a stop to racial discrimination by persons, groups and organizations; and

To encourage integrationist or multiracial organizations and movements and other means of eliminating barriers between races, as well as to discourage anything which tends to strengthen racial division.

The Convention came into force in 1969 after 27 States had ratified or acceded to it. At the end of 1990, the Convention had been ratified or acceded to by 128 States—more than three-quarters of the membership of the United Nations. It is the oldest and most widely ratified United Nations human rights convention.

Apart from spelling out the obligations of States parties, the Convention established the Committee on the Elimination of Racial Discrimination. The composition, mandate and work of the Committee are described in this Fact Sheet, which also provides, as an annex, the full text of the Convention and the list of States parties.

A pioneering experience

The Committee on the Elimination of Racial Discrimination (CERD) was the first body created by the United Nations to monitor and review actions by States to fulfil their obligations under a specific human rights agreement.

The Third Committee (social, humanitarian and cultural questions) of the United Nations General Assembly decided to include the establishment of CERD in the Convention on the grounds that without the means of implementation, it would not be truly effective.

This was a precedent. Five other committees with comparable constitutions and functions have since been created: the Human Rights Committee (which has responsibilities under the International Covenant on Civil and Political Rights),[1] the Committee on the Elimination of Discrimination against Women, the Committee against Torture,[2] the Committee on Economic, Social and Cultural Rights,[3] and the Committee on the Rights of the Child.[4]

Procedures

The Convention establishes three procedures to make it possible for CERD to review the legal, judicial, administrative and other steps taken by individual States to fulfil their obligations to combat racial discrimination.

The first is the requirement that all States which ratify or accede to the Convention must submit periodic reports to CERD.

A second procedure in the Convention provides for State-to-State complaints.

The third procedure makes it possible for an individual or a group of persons who claim to be victims of racial discrimination to lodge a complaint with CERD against their State. This may only be done if the State concerned is a party to the Convention and has de-

---

[1] Fact Sheet in preparation.

[2] See Fact Sheet No. 4.

[3] Fact Sheet in preparation.

[4] See Fact Sheet No. 10.

cleared that it recognizes the competence of CERD to receive such complaints. This declaration had been made by 14 States by the end of 1990.[5]

The Convention also provides that States which have made the declaration may establish or indicate a national body competent to receive petitions from individuals or groups who claim to be victims of violations of their rights and who have exhausted other local remedies. Only if petitioners fail to obtain satisfaction from the body indicated may they bring the matter to the Committee's attention.

(In the Programme of Action adopted by the Second World Conference to Combat Racism and Racial Discrimination in 1983, States were asked to make access to their national procedures for dealing with complaints of this kind as easy as possible. The procedures should be publicized and victims of racial discrimination should be helped to make use of them. The rules for making complaints should be simple, and complaints should be dealt with promptly. Legal aid should be available for poor victims of discrimination in civil or criminal proceedings and there should be the right to seek reparation for damages suffered.)

Non-Self-Governing Territories

CERD is charged by the Convention to give opinions and make recommendations on petitions to United Nations bodies from individuals and groups in United Nations Trust Territories and Non-Self-Governing Territories who allege racial discrimination. The Committee also gives its views and recommendations on reports provided by other United Nations bodies of legislative, judicial, administrative and other measures to combat racial discrimination in these Territories.

Membership

CERD, in the words of the Convention, is composed of "18 experts of high moral standing and acknowledged impartiality". The

[5] Algeria, Costa Rica, Denmark, Ecuador, France, Hungary, Iceland, Italy, Netherlands, Norway, Peru, Senegal, Sweden, and Uruguay.

members are elected for a term of four years by the States parties to the Convention. Elections take place for half the membership at two-year intervals.

The composition of CERD takes into account a fair representation of the geographical regions of the world, as well as of different civilizations and legal systems.[6]

Autonomy

CERD is an autonomous body. The experts who serve on the Committee are elected in their personal capacity. They can be neither dismissed nor, without their consent, replaced. Under the Convention, they establish their own rules of procedure, and receive no directives from outside. The expenses of Committee members are met by the States parties, not by the United Nations.

The links with the United Nations are, however, clear. The Committee was established under a Convention drafted and adopted by the United Nations. Its secretariat—established in the Centre for Human Rights in Geneva—is provided and paid for by the regular budget of the United Nations. Before any proposal involving expenditure is approved by CERD, the Secretary-General must be consulted. The meetings of the Committee, which were planned to take place twice a year, are usually held at United Nations Headquarters in New York or at the United Nations Office at Geneva.

CERD reports on its activities to the United Nations General Assembly through the Secretary-General, and maintains a dialogue with the Third Committee of the General Assembly. In addition, CERD works in co-operation with the United Nations Trusteeship Council and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to

---

[6] Experts serving as members of CERD as of 1 February 1991 were: Mahmoud Aboul-Nasr (Egypt), Hamzat Ahmadu (Nigeria), Michael Parker Banton (United Kingdom), Eduardo Ferrero Costa (Peru), Isi Foighel (Denmark), Ivan Garvalov (Bulgaria), Régis de Gouttes (France), George O. Lamptey (Ghana), Carlos Lechuga Hevia (Cuba), Iouri A. Reshetov (USSR), Jorge Rhenan Segura (Costa Rica), Shanti Sadiq Ali (India), Agha Shahi (Pakistan), Michael E. Sherifis (Cyprus), Song Shuhua (China), Kasimir Vidas (Yugoslavia), Rüdiger Wolfrum (Federal Republic of Germany) and Mario Jorge Yutzis (Argentina).

Colonial Countries and Peoples. CERD also has co-operative arrangements with the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization.

CERD at work

States parties are required to submit comprehensive reports to the Committee every four years, with brief updating reports at intervening two-year periods. When a report comes before the Committee for examination, a representative of the country concerned may introduce it, answer questions from the experts, and comment on the observations they make. The Committee's report to the General Assembly summarizes these proceedings, and offers suggestions and recommendations.

Between 1970 and March 1991, CERD received 882 reports including 73 which it had requested in order to obtain additional information.

From the start, the Committee has had to dispel a number of mistaken ideas about the nature and purpose of these reports. It has pointed out that even if the government believes that racial discrimination does not exist in its territory, the country in question, as a State party to the Convention, must submit comprehensive and other periodic reports.

Another misconception is that the State is not obliged to give effect to the Convention if it believes that racial discrimination does not exist in its territory. CERD has indicated that the Convention is addressed not only to present practices but also to problems which may arise in the future, and that in ratifying the Convention, all States parties have undertaken to put its provisions into national law.

Some reports have given the impression that if the Convention has become part of the supreme law of the country, no further legislative action is necessary. However, the Convention requires legislation to make certain acts punishable and also calls for action in the fields of education, culture and information. Similarly, a State party does not fulfil its obligations under the Convention simply by condemning racial discrimination in the Constitution of the country.

In certain cases, reports have focused on legislative action and neglected judicial, administrative and other steps to eliminate racial discrimination, or have failed to include the texts of anti-discrimination laws.

CERD has provided guidelines to the States parties on the preparation of their reports, and has frequently asked them for additional information. The Committee has also made general recommendations to the States parties when it has found that information on specific articles of the Convention useful to the experts in establishing the facts and summarizing their views is broadly lacking.

State-to-State complaints

All the States parties to the Convention recognize the competence of CERD to receive and act on a complaint by one of them that another is not giving effect to the Convention. However, this procedure does not take the place of others which may be available to the parties concerned. So far, no State party has taken advantage of the procedure, which provides—unless the matter has been settled in another way—for the appointment of a conciliation commission.

Individual communications

The procedure for communications from individuals or groups claiming to be the victims of a violation of the Convention to be received by CERD came into operation in 1982 when 10 States parties had declared that they accepted the Committee's competence in this field.

The Committee brings such communications confidentially to the attention of the State party in question, but does not—without their consent—reveal the identity of the individual or group claiming a violation. When the State has given an explanation of its views and perhaps suggested a remedy, the Committee debates the matter and may make suggestions and recommendations, which are transmitted both to the individual or group concerned and to the State party.

Trust and Non-Self-Governing Territories

Since CERD was established many Non-Self-Governing Territories, including some administered by States under United Nations trusteeship agreements, have become independent. Nevertheless, there are still 18 such Territories, and when a petition is made on a question of racial discrimination by any of the populations concerned, CERD has the responsibility of studying it and making a report with recommendations to the General Assembly. The Committee also reports generally on problems of racial discrimination in these Territories.

The mandate of the Committee covers all Non-Self-Governing Territories whether the States which administer them are parties to the Convention or not. Three CERD working groups deal, respectively, with the situation in African Territories; the Atlantic Ocean and Caribbean Territories, including Gibraltar; and Pacific and Indian Ocean Territories.

States parties are not obliged by the Convention to report to CERD on racial discrimination questions in the Non-Self-Governing Territories they administer. Thus, the Committee's information comes mainly from reports prepared for or made by the Trusteeship Council, or the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

The Committee has often found itself handicapped in arriving at an understanding of problems of racial discrimination in Non-Self-Governing Territories and in making recommendations for solving them. Many of the reports it receives are primarily concerned with matters other than racial discrimination and the authorities supplying them are not legally bound to adopt or carry out anti-discrimination measures. CERD has repeatedly appealed for more comprehensive information to carry out its responsibilities in this field.

Mobilizing public opinion

A pledge by the States parties to act in the areas of teaching, education, culture and information to combat prejudice and promote

understanding, tolerance and friendship among nations and racial or ethnic groups is a feature of the Convention.

The United Nations followed up the International Year for Action to Combat Racism and Racial Discrimination (1971) by instituting, successively, two Decades for Action to Combat Racism and Racial Discrimination (1973-83 and 1983-93). World conferences to Combat Racism and Racial Discrimination were held under United Nations auspices in 1978 and 1983.

As the most widely accepted permanent body created by the United Nations in its efforts to eliminate racial discrimination, CERD has been closely associated with all these initiatives. It is represented at the seminars and workshops on racial discrimination organized by the Centre for Human Rights.

Studies have been published by the Committee as contributions to the Conferences and Decades. These examine measures designed to eradicate incitement to, and acts of, racial discrimination; teaching, education, culture and information as a means of eliminating racial discrimination; and the Committee's own activities.

The impact

The entering into force of the International Convention on the Elimination of All Forms of Racial Discrimination and the periodic review by CERD over the past 20 years of the reports of action taken by the States parties to fulfil their obligations have had positive results. In various countries these included:

Amendments to national constitutions to include provisions prohibiting racial discrimination;

Systematic reviews of existing laws and regulations to amend those which tend to perpetuate racial discrimination, or the passing of new laws to satisfy the requirements of the Convention;

Amendments to the law at the suggestion of CERD;

Making racial discrimination a punishable offence;

Legal guarantees against discrimination in justice, security, political rights, or access to places intended for use by the general public;

Educational programmes;

Creation of new agencies to deal with problems of racial discrimination and to protect the interests of indigenous groups;

Consulting CERD in advance about planned changes in the law or administrative practices, with the indication that its advice will be taken into account.

The fact that States parties are answerable for their policies on racial discrimination in an international forum serves as a spur to action to bring national law and practices into line with the Convention. Over the years, CERD and the States parties have established a situation of mutual trust; the recommendations and requests the Committee makes are generally given serious consideration.

Problem areas

In keeping racial discrimination permanently on the international agenda, the Committee faces two problems which disrupt its work and make it difficult to carry out its mandate. One is the failure of some States parties to submit periodic reports—or their lateness. Various reasons have been given, including the lack of national staff competent in human rights reporting, and the burden of work in meeting international reporting obligations in an increasing number of human rights areas.

The Committee's view is that reports from States parties are the key element in its monitoring task. The fact that racial discrimination persists and is liable to sudden flareups underlines the need for rigorous and regular monitoring.

The second problem is financial. When CERD was established, it was decided that States parties—not the United Nations regular budget—would assume responsibility for the expenses of members of the Committee. This was one means, it was thought, of safeguarding the independence of the experts. Although the amounts due from individual States parties are small, many are late in meeting their commitment. The gap was bridged up to the end of 1985 through the regular budget of the United Nations, but since then the United Nations has not been able to assist due to the financial difficulties and CERD,

which should hold two three-week sessions each year has on several occasions had to shorten or cancel them.

Looking forward

The Committee hopes that the United Nations will focus its efforts on making the International Convention on the Elimination of All Forms of Racial Discrimination universal through the accession of all its Member States. The Committee, for its part, will continue to work towards the universal implementation of the Convention.

A second goal is to increase the number of States which declare that they recognize the competence of CERD to receive and consider communications from individuals or groups which claim to be victims of racial discrimination.

In the immediate future, the Committee believes, States parties should do more in four areas. These are:

The passing of laws which punish the dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as acts of violence and assistance to racist activities; and the prohibition of organizations and activities which promote and incite racial discrimination;

Legislation which guarantees the equality of persons before the law, irrespective of their race, colour, national or ethnic origin;

Legislation which assures protection and remedies against acts of racial discrimination;

Action in the fields of education, teaching, culture and information which will combat prejudice, promote understanding, tolerance and friendship, and spread knowledge of the United Nations Charter and international human rights agreements;

A compilation of existing national laws against racial discrimination is being prepared by the Centre for Human Rights and will be published shortly. Model anti-discrimination legislation is also being drawn up. CERD will have a role in deciding how to give these documents the maximum usefulness in countries which are seeking to apply the Convention.

International Convention on the Elimination of All Forms of Racial Discrimination

Adopted and opened for signature and ratification by General Assembly resolution 2106 A (XX) of 21 December 1965

ENTRY INTO FORCE: 4 January 1969, in accordance with article 19

The States Parties to this Convention,

Considering that the Charter of the United Nations is based on the principles of the dignity and equality inherent in all human beings, and that all Member States have pledged themselves to take joint and separate action, in co-operation with the Organization, for the achievement of one of the purposes of the United Nations which is to promote and encourage universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Considering that the Universal Declaration of Human Rights proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour or national origin,

Considering that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination,

Considering that the United Nations has condemned colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist, and that the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (General Assembly resolution 1514 (XV)) has affirmed and solemnly proclaimed the necessity of bringing them to a speedy and unconditional end,

Considering that the United Nations Declaration on the Elimination of All Forms of Racial Discrimination of 20 November 1963 (General Assembly resolution 1904 (XVIII)) solemnly affirms the necessity of speedily eliminating racial discrimination throughout the world in all its forms and manifestations and of securing understanding of and respect for the dignity of the human person,

Convinced that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere,

Reaffirming that discrimination between human beings on the grounds of race, colour or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State,

Convinced that the existence of racial barriers is repugnant to the ideals of any human society,

Alarmed by manifestations of racial discrimination still in evidence in some areas of the world and by governmental policies based on racial superiority or hatred, such as policies of *apartheid*, segregation or separation,

Resolved to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, and to prevent and combat racist doctrines and practices in order to promote understanding between races and to build an international community free from all forms of racial segregation and racial discrimination,

Bearing in mind the Convention concerning Discrimination in respect of Employment and Occupation adopted by the International Labour Organisation in 1958, and the Convention against Discrimination in Education adopted by the United Nations Educational, Scientific and Cultural Organization in 1960,

Desiring to implement the principles embodied in the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and to secure the earliest adoption of practical measures to that end,

Have agreed as follows:

PART I

Article 1

1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on

race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

2. This Convention shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens.

3. Nothing in this Convention may be interpreted as affecting in any way the legal provisions of States Parties concerning nationality, citizenship or naturalization, provided that such provisions do not discriminate against any particular nationality.

4. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved.

Article 2

1. States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

(*a*) Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation;

(*b*) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations;

(*c*) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(*d*) Each State Party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization;

(*e*) Each State Party undertakes to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division.

2. States Parties shall, when the circumstances so warrant, take, in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved.

Article 3

States Parties particularly condemn racial segregation and *apartheid* and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Article 4

States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, *inter alia*:

(*a*) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(*b*) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;

(*c*) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(*a*) The right to equal treatment before the tribunals and all other organs administering justice;

(*b*) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(*c*) Political rights, in particular the rights to participate in elections—to vote and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

(*d*) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(iii) The right to nationality;

(iv) The right to marriage and choice of spouse;

(v) The right to own property alone as well as in association with others;

(vi) The right to inherit;

(vii) The right to freedom of thought, conscience and religion;

(viii) The right to freedom of opinion and expression;

(ix) The right to freedom of peaceful assembly and association;

(*e*) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

(ii) The right to form and join trade unions;

(iii) The right to housing;

(iv) The right to public health, medical care, social security and social services;

(v) The right to education and training;

(vi) The right to equal participation in cultural activities;

(*f*) The right of access to any place or service intended for use by the general public, such as transport, hotels, restaurants, cafés, theatres and parks.

Article 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 7

States Parties undertake to adopt immediate and effective measures, particularly in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and racial or ethnical groups, as well as to propagating the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination, and this Convention.

Part II

Article 8

1. There shall be established a Committee on the Elimination of Racial Discrimination (hereinafter referred to as the Committee) consisting of eighteen experts of high moral standing and acknowledged impartiality elected by States Parties from among their nationals, who shall serve in their personal capacity, consideration being given to equitable geographical distribution and to the representation of the different forms of civilization as well as of the principal legal systems.

2. The members of the Committee shall be elected by secret ballot from a list of persons nominated by the States Parties. Each State Party may nominate one person from among its own nationals.

3. The initial election shall be held six months after the date of the entry into force of this Convention. At least three months before the date of each election the Secretary-General of the United Nations shall address a letter to the States Parties inviting them to submit their nominations within two months. The Secretary-General shall prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties.

4. Elections of the members of the Committee shall be held at a meeting of States Parties convened by the Secretary-General at United Nations Headquarters. At that meeting, for which two thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be nominees who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

5. (*a*) The members of the Committee shall be elected for a term of four years. However, the terms of nine of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these nine members shall be chosen by lot by the Chairman of the Committee.

(*b*) For a filling of casual vacancies, the State Party whose expert has ceased to function as a member of the Committee shall appoint another expert from among its nationals, subject to the approval of the Committee.

6. States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.

Article 9

1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention: (*a*) within one year after the entry into force of the Convention for the State concerned; and (*b*) thereafter every two years and whenever the Committee so requests. The Committee may request further information from the States Parties.

2. The Committee shall report annually, through the Secretary-General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties.

Article 10

1. The Committee shall adopt its own rules of procedure.

2. The Committee shall elect its officers for a term of two years.

3. The secretariat of the Committee shall be provided by the Secretary-General of the United Nations.

4. The meetings of the Committee shall normally be held at United Nations Headquarters.

Article 11

1. If a State Party considers that another State Party is not giving effect to the provisions of this Convention, it may bring the matter to the attention of the Committee. The Committee shall then transmit the communication to the State Party concerned. Within three months, the receiving State shall submit to the Committee written explanations

or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

2. If the matters is not adjusted to the satisfaction of both parties, either by bilateral negotiations or by any other procedure open to them, within six months after the receipt by the receiving State of the initial communication, either State shall have the right to refer the matter again to the Committee by notifying the Committee and also the other State.

3. The Committee shall deal with a matter referred to it in accordance with paragraph 2 of this article after it has ascertained that all available domestic remedies have been invoked and exhausted in the case, in conformity with the generally recognized principles of international law. This shall not be the rule where the application of the remedies is unreasonably prolonged.

4. In any matter referred to it, the Committee may call upon the States Parties concerned to supply any other relevant information.

5. When any matter arising out of this article is being considered by the Committee, the States Parties concerned shall be entitled to send a representative to take part in the proceedings of the Committee, without voting rights, while the matter is under consideration.

Article 12

1. (*a*) After the Committee has obtained and collated all the information it deems necessary, the Chairman shall appoint an *ad hoc* Conciliation Commission (hereinafter referred to as the Commission) comprising five persons who may or may not be members of the Committee. The members of the Commission shall be appointed with the unanimous consent of the parties to the dispute, and its good offices shall be made available to the States concerned with a view to an amicable solution of the matter on the basis of respect for this Convention;

(*b*) If the States parties to the dispute fail to reach agreement within three months on all or part of the composition of the Commission, the members of the Commission not agreed upon by the States parties to the dispute shall be elected by secret ballot by a two-thirds majority vote of the Committee from among its own members.

2. The members of the Commission shall serve in their personal capacity. They shall not be nationals of the States parties to the dispute or of a State not Party to this Convention.

3. The Commission shall elect its own Chairman and adopt its own rules of procedure.

4. The meetings of the Commission shall normally by held at United Nations Headquarters or at any other convenient place as determined by the Commission.

5. The secretariat provided in accordance with article 10, paragraph 3, of this Convention shall also service the Commission whenever a dispute among States Parties brings the Commission into being.

6. The States parties to the dispute shall share equally all the expenses of the members of the Commission in accordance with estimates to be provided by the Secretary-General of the United Nations.

7. The Secretary-General shall be empowered to pay the expenses of the members of the Commission, if necessary, before reimbursement by the States parties to the dispute in accordance with paragraph 6 of this article.

8. The information obtained and collated by the Committee shall be made available to the Commission, and the Commission may call upon the States concerned to supply any other relevant information.

Article 13

1. When the Commission has fully considered the matter, it shall prepare and submit to the Chairman of the Committee a report embodying its findings on all questions of fact relevant to the issue between the parties and containing such recommendations as it may think proper for the amicable solution of the dispute.

2. The Chairman of the Committee shall communicate the report of the Commission to each of the States parties to the dispute. These States shall, within three months, inform the Chairman of the Committee whether or not they accept the recommendations contained in the report of the Commission.

3. After the period provided for in paragraph 2 of this article, the Chairman of the Committee shall communicate the report of the

Commission and the declarations of the States Parties concerned to the other States Parties to this Convention.

Article 14

1. A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention. No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.

2. Any State Party which makes a declaration as provided for in paragraph 1 of this article may establish or indicate a body within its national legal order which shall be competent to receive and consider petitions from individuals and groups of individuals within its jurisdiction who claim to be victims of a violation of any of the rights set forth in this Convention and who have exhausted other available local remedies.

3. A declaration made in accordance with paragraph 1 of this article and the name of any body established or indicated in accordance with paragraph 2 of this article shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties. A declaration may be withdrawn at any time by notification to the Secretary-General, but such a withdrawal shall not affect communications pending before the Committee.

4. A register of petitions shall be kept by the body established or indicated in accordance with paragraph 2 of this article, and certified copies of the register shall be filed annually through appropriate channels with the Secretary-General on the understanding that the contents shall not be publicly disclosed.

5. In the event of failure to obtain satisfaction from the body established or indicated in accordance with paragraph 2 of this article, the petitioner shall have the right to communicate the matter to the Committee within six months.

6. (*a*) The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be vi-

olating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent. The Committee shall not receive anonymous communications;

(*b*) Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.

7. (*a*) The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner. The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged;

(*b*) The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.

8. The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.

9. The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.

Article 15

1. Pending the achievement of the objectives of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV) of 14 December 1960, the provisions of this Convention shall in no way limit the right of petition granted to these peoples by other international instruments or by the United Nations and its specialized agencies.

2. (*a*) The Committee established under article 8, paragraph 1, of this Convention shall receive copies of the petitions from, and submit expressions of opinion and recommendations on these petitions to, the bodies of the United Nations which deal with matters directly related to the principles and objectives of this Convention in their con-

sideration of petitions from the inhabitants of Trust and Non-Self-Governing Territories and all other territories to which General Assembly resolution 1514 (XV) applies, relating to matters covered by this Convention which are before these bodies;

(*b*) The Committee shall receive from the competent bodies of the United Nations copies of the reports concerning the legislative, judicial, administrative or other measures directly related to the principles and objectives of this Convention applied by the administering Powers within the Territories mentioned in subparagraph (*a*) of this paragraph, and shall express opinions and make recommendations to these bodies.

3. The Committee shall include in its report to the General Assembly a summary of the petitions and reports it has received from United Nations bodies, and the expressions of opinion and recommendations of the Committee relating to the said petitions and reports.

4. The Committee shall request from the Secretary-General of the United Nations all information relevant to the objectives of this Convention and available to him regarding the Territories mentioned in paragraph 2 (*a*) of this article.

Article 16

The provisions of this Convention concerning the settlement of disputes or complaints shall be applied without prejudice to other procedures for settling disputes or complaints in the field of discrimination laid down in the constituent instruments of, or conventions adopted by, the United Nations and its specialized agencies, and shall not prevent the States Parties from having recourse to other procedures for settling a dispute in accordance with general or special international agreements in force between them.

PART III

Article 17

1. This Convention is open for signature by any State Member of the United Nations or member of any of its specialized agencies, by any State Party to the Statute of the International Court of Justice, and

by any other State which has been invited by the General Assembly of the United Nations to become a Party to this Convention.

2. This Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 18

1. This Convention shall be open to accession by any State referred to in article 17, paragraph 1, of the Convention.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article 19

1. This Convention shall enter into force on the thirtieth day after the date of the deposit with the Secretary-General of the United Nations of the twenty-seventh instrument of ratification or instrument of accession.

2. For each State ratifying this Convention or acceding to it after the deposit of the twenty-seventh instrument of ratification or instrument of accession, the Convention shall enter into force on the thirtieth day after the date of the deposit of its own instrument of ratification or instrument of accession.

Article 20

1. The Secretary-General of the United Nations shall receive and circulate to all States which are or may become Parties to this Convention reservations made by States at the time of ratification or accession. Any State which objects to the reservation shall, within a period of ninety days from the date of the said communication, notify the Secretary-General that it does not accept it.

2. A reservation incompatible with the object and purpose of this Convention shall not be permitted, nor shall a reservation the effect of which would inhibit the operation of any of the bodies established by this Convention be allowed. A reservation shall be considered incompatible or inhibitive if a least two thirds of the States Parties to this Convention object to it.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General. Such notification shall take effect on the date on which it is received.

Article 21

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 22

Any dispute between two or more States Parties with respect to the interpretation or application of this Convention, which is not settled by negotiation or by the procedures expressly provided for in this Convention, shall, at the request of any of the parties to the dispute, be referred to the International Court of Justice for decision, unless the disputants agree to another mode of settlement.

Article 23

1. A request for the revision of this Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations.

2. The General Assembly of the United Nations shall decide upon the steps, if any, to be taken in respect of such a request.

Article 24

The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars:

(*a*) Signatures, ratifications and accessions under articles 17 and 18;

(*b*) The date of entry into force of this Convention under article 19;

(*c*) Communications and declarations received under articles 14, 20 and 23;

(*d*) Denunciations under article 21.

Article 25

1. This Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.

Annex

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (128) as at 4 March 1991

State party	*Date of receipt of the instrument of ratification or accession*	*Entry into force*
Afghanistan	6 July 1983[a]	5 August 1983
Algeria	14 February 1972	15 March 1972
Antigua and Barbuda	25 October 1988[b]	25 October 1988[b]
Argentina	2 October 1968	4 January 1969
Australia	30 September 1975	30 October 1975
Austria	9 May 1972	8 June 1972
Bahamas	5 August 1975[b]	5 August 1975[b]
Bahrain[a]	27 March 1990	26 April 1990
Bangladesh	11 June 1979[a]	11 July 1979
Barbados	8 November 1972[a]	8 December 1972
Belgium	7 August 1975	6 September 1975
Bolivia	22 September 1970	22 October 1970
Botswana	20 February 1974[a]	22 March 1974
Brazil	27 March 1968	4 January 1969
Bulgaria	8 August 1966	4 January 1969
Burkina Faso	18 July 1974[a]	17 August 1974
Burundi	27 October 1977	26 November 1977
Byelorussian Soviet Socialist Republic	8 April 1969	8 May 1969
Cambodia	28 November 1983	28 December 1983
Cameroon	24 June 1971	24 July 1971
Canada	14 October 1970	15 November 1970
Cape Verde	3 October 1979[a]	2 November 1979
Central African Republic	16 March 1971	15 April 1971
Chad	17 August 1977[a]	16 September 1977
Chile	20 October 1971	19 November 1971
China	29 December 1981[a]	28 January 1982
Colombia	2 September 1981	2 October 1981
Congo	11 July 1988[a]	10 August 1988
Costa Rica	16 January 1967	4 January 1969
Côte d'Ivoire	4 January 1973[a]	3 February 1973
Cuba	15 February 1972	16 March 1972
Cyprus	21 April 1967	4 January 1969
Czechoslovakia	29 December 1966	4 January 1969

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (128) as at 4 March 1991 *(continued)*

State party	*Date of receipt of the instrument of ratification or accession*	*Entry into force*
Denmark	9 December 1971	8 January 1972
Dominican Republic	25 May 1983[a]	24 June 1983
Ecuador	22 September 1966[a]	4 January 1969
Egypt	1 May 1967	4 January 1969
El Salvador	30 November 1979[a]	30 December 1979
Ethiopia	23 June 1976[a]	23 July 1976
Fiji	11 January 1973[b]	11 January 1973[b]
Finland	14 July 1970	13 August 1970
France	28 July 1971[a]	27 August 1971
Gabon	29 February 1980	30 March 1980
Gambia	29 December 1978[a]	28 January 1979
Germany	16 May 1969	15 June 1969
Ghana	8 September 1966	4 January 1969
Greece	18 June 1970	18 July 1970
Guatemala	18 January 1983	17 February 1983
Guinea	14 March 1977	13 April 1977
Guyana	15 February 1977	17 March 1977
Haiti	19 December 1972	18 January 1973
Holy See	1 May 1969	31 May 1969
Hungary	1 May 1967	4 January 1969
Iceland	13 March 1967	4 January 1969
India	3 December 1968	4 January 1969
Iran (Islamic Republic of)	29 August 1968	4 January 1969
Iraq	14 January 1970	13 February 1970
Israel	3 January 1979	2 February 1979
Italy	5 January 1976	4 February 1976
Jamaica	4 June 1971	4 July 1971
Jordan	30 May 1974[a]	29 June 1974
Kuwait	15 October 1968[a]	4 January 1969
Lao People's Democratic Republic	22 February 1974[a]	24 March 1974
Lebanon	12 November 1971[a]	12 December 1971
Lesotho	4 November 1971[a]	4 December 1971
Liberia	5 November 1976[a]	5 December 1976
Libyan Arab Jamahiriya	3 July 1968[a]	4 January 1969
Luxembourg	1 May 1978	31 May 1978
Madagascar	7 February 1969	9 March 1969
Maldives	24 April 1984[a]	24 May 1984
Mali	16 July 1974[a]	15 August 1974
Malta	27 May 1971	26 June 1971
Mauritania	13 December 1988	12 January 1989
Mauritius	30 May 1972[a]	29 June 1972
Mexico	20 February 1975	22 March 1975
Mongolia	6 August 1969	5 September 1969
Morocco	18 December 1970	17 January 1971

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (128) as at 4 March 1991 *(continued)*

State party	*Date of receipt of the instrument of ratification or accession*	*Entry into force*
Mozambique	18 April 1983[a]	18 May 1983
Namibia	11 November 1982[a]	11 December 1982
Nepal	30 January 1971[a]	1 March 1971
Netherlands	10 December 1971	9 January 1972
New Zealand	22 November 1972	22 December 1972
Nicaragua	15 February 1978[a]	17 March 1978
Niger	27 April 1967	4 January 1969
Nigeria	16 October 1967[a]	4 January 1969
Norway	6 August 1970	5 September 1970
Pakistan	21 September 1966	4 January 1969
Panama	16 August 1967	4 January 1969
Papua New Guinea	27 January 1982[a]	26 February 1982
Peru	29 September 1971	29 October 1971
Philippines	15 September 1967	4 January 1969
Poland	5 December 1968	4 January 1969
Portugal	24 August 1982[a]	23 September 1982
Qatar	22 July 1976[a]	21 August 1976
Republic of Korea	5 December 1978[a]	4 January 1979
Romania	15 September 1970[a]	15 October 1970
Rwanda	16 April 1975[a]	16 May 1975
Saint Lucia	14 February 1990[b]	14 February 1990[b]
Saint Vincent and the Grenadines	9 November 1981[a]	9 December 1981
Senegal	19 April 1972	19 May 1972
Seychelles	7 March 1978[a]	6 April 1978
Sierra Leone	2 August 1967	4 January 1969
Solomon Islands	17 March 1982[b]	17 March 1982[b]
Somalia	26 August 1975	25 September 1975
Spain	13 September 1968[a]	4 January 1969
Sri Lanka	18 February 1982[a]	20 March 1982
Sudan	21 March 1977[a]	20 April 1977
Suriname	15 March 1984[b]	15 March 1984[b]
Swaziland	7 April 1969[a]	7 May 1969
Sweden	6 December 1971	5 January 1972
Syrian Arab Republic	21 April 1969[a]	21 May 1969
Togo	1 September 1972[a]	1 October 1972
Tonga	16 February 1972[a]	17 March 1972
Trinidad and Tobago	4 October 1973	3 November 1973
Tunisia	13 January 1967	4 January 1969
Uganda	21 November 1980[a]	21 December 1980
Ukrainian Soviet Socialist Republic	7 March 1969	6 April 1969
Union of Soviet Socialist Republics	4 February 1969	6 March 1969
United Arab Emirates	20 June 1974[a]	20 July 1974

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination (128) as at 4 March 1991 *(concluded)*

State party	*Date of receipt of the instrument of ratification or accession*	*Entry into force*
United Kingdom of Great Britain and Northern Ireland	7 March 1969	6 April 1969
United Republic of Tanzania	27 October 1972[a]	26 November 1972
Uruguay	30 August 1968	4 January 1969
Venezuela	10 October 1967	4 January 1969
Viet Nam	9 June 1982[a]	9 July 1982
Yemen[c]		
Yugoslavia	2 October 1967	4 January 1969
Zaire	21 April 1976[a]	21 May 1976
Zambia	4 February 1972	5 March 1972

[a] Accession

[b] Date of receipt of notification of succession.

[c] On 22 May 1990 the People's Democratic Republic of Yemen and the Yemen Arab Republic merged to form a single sovereign State called the Republic of Yemen, with Sana'a as its capital. The People's Democratic Republic of Yemen had acceded to the Convention on 18 October 1972. The Yemen Arab Republic acceded to the Convention on 6 April 1989.

B. States parties that have made the declaration under article 14, paragraph 1, of the Convention

State party	*Date of deposit of the declaration*	*Effective date*
Algeria	12 September 1989	12 September 1989
Costa Rica	8 January 1974	8 January 1974
Denmark	11 October 1985	11 October 1985
Ecuador	18 March 1977	18 March 1977
France	16 August 1982	16 August 1982
Hungary	13 September 1990	13 September 1990
Iceland	10 August 1981	10 August 1981
Italy	5 May 1978	5 May 1978
Netherlands	10 December 1971	9 January 1972
Norway	23 January 1976	23 January 1976
Peru	27 November 1984	27 November 1984
Senegal	3 December 1982	3 December 1982
Sweden	6 December 1971	5 January 1972
Uruguay	11 September 1972	11 September 1972

Inquiries should be addressed to:

Centre for Human Rights
United Nations Office at Geneva
8-14 avenue de la Paix
1211 Geneva 10, Switzerland

New York Office:
Centre for Human Rights
United Nations
New York, NY 10017
United States of America

Printed at United Nations, Geneva
GE.91-15363–May 1991–11,070

ISSN 1014-5567

Human Rights